

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
DECLARATION FOR PATENT APPLICATION

INVENTOR(S): LEVIT, Guy; CAMIEL, Noam
DAVID, Eli; and SHAPIRA, Gil
TITLE : MOBILE STATION (MS) MESSAGE SELECTION
IDENTIFICATION SYSTEM
DOCKET NO. : P-2853-US

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS:

As a below named inventor, I hereby declare that:

This declaration is of the following type: (check one applicable item below)

- ☒ original
☐ design
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

☐ national stage of PCT

And is a

- ☐ divisional
☐ continuation
☐ continuation-in-part (CIP)
of U.S. Patent Application

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **MOBILE STATION (MS) MESSAGE SELECTION IDENTIFICATION SYSTEM**, the specification of which is attached hereto unless the following is checked:

☐ was filed on as United States Application Number or PCT International Application Number, and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 (see last page attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a) - (d) or 265(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patents or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications:

Priority Claimed:

| | | | | |
|----------|-----------|---------------------------|--------------------------|--------------------------|
| _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year Filed) | Yes | No |

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| | | |
|-------------------|---------------|--|
| _____ | _____ | _____ |
| (Application No.) | (Filing Date) | (Status - patented, pending, abandoned) |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the National or PCT international filing date of this application.

| | | |
|-------------------|---------------|--|
| _____ | _____ | _____ |
| (Application No.) | (Filing Date) | (Status - patented, pending, abandoned) |

| | | |
|-------------------|---------------|--|
| _____ | _____ | _____ |
| (Application No.) | (Filing Date) | (Status - patented, pending, abandoned) |

As the inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith. Name and registration number are listed below.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

LEVIT, Guy
 Residence : 8 Moshe Vilensky Street, Tel-Aviv 66098, Israel
 Citizenship : American and Israeli
 Post Office Address: Same

Date: 22/11/99

Signature: *Guy Levit*

Full name of second joint inventor, if any:

CAMIEL, Noam
 Residence : 39 Anatot Street, Tel-Aviv 69080, Israel
 Citizenship : Israeli
 Post Office Address: Same

Date: 22/11/99

Signature: *Noam Camiel*

Full name of third joint inventor, if any:

DAVID, Eli

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Post Office Address:

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Date: X 22/11/99

Signature: X

Full name of fourth joint inventor, if any:

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Citizenship : Israeli

Post Office Address:

Same

Date: X 22/11/99

Signature: X

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim is issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.90. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) it refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application;

and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) PATENT APPLICATION
)
 Inventor(s): Guy LEVIT; Noam CAMIEL;)
 Eli DAVID; and Gil SHAPIRA)
 Application No.: Not yet known)
)
 Filed: Herewith)
 Title: MOBILE STATION (MS) MESSAGE SELECTION IDENTIFICATION
 SYSTEM

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 C.F.R. § 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

____ The owner of the small business concern identified below.

____ An official of the small business concern empowered to act on behalf of the concern identified below.

Name: TELEMESSAGE LTD.
 Address: 3 Simtat Magal Street, P.O.Box 87, Savlon 58530, Israel

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35 U.S.C. in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties control or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified below with regard to the invention entitled:

MOBILE STATION (MS) MESSAGE SELECTION IDENTIFICATION SYSTEM

by inventor(s): Guy LEVIT; Noam CAMIEL; Eli DAVID; and Gil SHAPIRA

described in:

X the Specification filed herewith
 _____ Application SC/Serial No. _____ filed _____

If the rights held by the above-identified small business concern are not exclusive, then individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

NAME: _____

ADDRESS: _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: X Guy LevitTitle of Person Signing: X CEOAddress of Person Signing: X 8 Moshe Valensky, Tel Aviv 66098, IsraelSignature: X Guy LevitDate: X 22/11/99

* Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27).

Title 37, Code of Federal Regulations, § 1.9(c-1)

(c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section

which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 CFR 121.12. For the convenience of the users of these regulations, that definition states:

121.12 Small business for paying reduced patent fees. (a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41 (a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

(f) A small entity as used in this chapter means an independent inventor, a small business concern or a nonprofit organization.
